

REMARKS

Applicant has received and reviewed an Office Action dated May 17, 2007. By way of response, Applicant has canceled claims 77, 78, 86, and 87, amended claims 1-2, 8-9, 67, 70, 74, 79 and 83, and presented new claims 88-91. No new matter is presented. Claims 1-4, 8, 9, 67-76, 79-85, and 88-91 are pending.

Applicant respectfully submits that the pending claims are in condition for allowance, and notification to that effect is earnestly solicited.

Amendment to the Specification

The specification has been amended to add material from U.S. Patent Application No. 10/244,727 (the '727 application, now U.S. Patent No. 7,504,364), which was incorporated by reference into the present specification as filed. The definitions can be found in the '727 application as filed at page 11, lines 16-18 and at page 11, line 26, through page 13, line 11. The text and schemes relating to building blocks can be found in the '727 application as filed at page 29, line 15, through page 30, line 19, and page 30, line 20, through page 32, line 5. The schemes were renumbered for incorporation into the present application. The paragraph relating to random distribution of building blocks can be found in the '727 application as filed at the paragraph bridging pages 20-21.

This material incorporated into the present specification supplements the support for certain recitations in the pending claims.

Support for Amended and Newly Presented Claims

Applicants submit that the amended and newly presented claims are supported by the specification as filed.

The current and previous amendments to independent claims 1 and 8 include wording employed in the issued claims of Applicant's U.S. Patent No. 7,504,364 (from Application Serial No. 10/244,727, which was incorporated by reference into the present specification as filed). In addition, the present amendment to claims 1 and 8 includes text relating to the nature of the irreversible immobilization of the building blocks. Support for these amendments can be found throughout the specification as filed including at least at the paragraph bridging pages 10-11, at page 11, line 22, through page 12, line 29, the paragraph bridging pages 13-14, the paragraph

bridging pages 16-17, at page 19, lines 16-28, Figure 2A and the paragraph bridging pages 20-21, at page 52, lines 8-26, at page 76, lines 12-16. Support for the recitation of "naïve" in claims 1 and 8 can be found in the specification as filed at least at page 9, lines 28-31.

Claims 70-76 and 79-85 include wording employed in the issued claims of Applicant's U.S. Patent No. 7,504,364 (from Application Serial No. 10/244,727, which was incorporated by reference into the present specification as filed). It is believed that the present specification as filed includes supporting text corresponding to the majority of the language of these issued claims. The present amendment to the specification incorporates additional language from the '727 application to supplement this support and to provide support *ipsis verbis* for certain recitations in these claims.

Support for claims 88-91 can be found throughout the specification as filed including at least at the paragraph bridging pages 10-11, and at page 11, line 22, through page 12, line 29.

Species Election Requirement

The Species Election Requirement asserts that the application contains claims to multiple species of building blocks. The Requirement states that Applicant is required to elect a single species of building block, and should identify the framework, the recognition element, the value for n, the value for F₁-F₄ and R₁, as shown in claim 72.

Without acquiescing to the species election requirement, Applicant elects, with traverse a building block in which the framework is a tyrosine moiety, n=2, the recognition elements are A1 (CH₂CH₃) and B1 (CH₃). With reference to a framework of formula:



R₁ is a 1-12 carbon aryl alkyl; F₁ is carboxyl; F₂ is amine; F₃ is a phenolic hydroxyl group; and F₄ is absent. Applicant respectfully submits that each of pending claims 1-4, 8, 9, and 67-76, 79-85, and 88-91 reads on or includes the elected species.

Prior Art Rejection Citing New et al.

The Office Action mailed August 7, 2007 included a rejection of claims 1-9 under 35 U.S.C. § 102(b) as anticipated by New et al., WO 01/01140. Applicant addressed this rejection in an Amendment and Response submitted to the USPTO electronically on February 7, 2008. By way of further response to this rejection, Applicant presents the following remarks.

The New et al. reference discloses liposomes in a well of a microtiter plate. The liposomes include lipids in non-covalent association with one another. The liposome is not a solid support. The lipids in the liposome are not bound to a solid support, they are floating in a liposome. In contrast, in addition to the distinctions raised in the previous response, the present independent claims recite that when the building blocks are immobilized by van der Waals interactions, the support includes "a lawn of moieties that can engage in van der Waals interactions, the lawn being covalently coupled to the solid support". The New et al. reference does not suggest any reason to produce an array including a lawn covalently coupled to the solid support. The New et al. reference does not suggest any reason to produce a spot in an array that is an artificial receptor.

For these reasons and for the reasons presented in the Amendment and Response submitted February 7, 2008, Applicant respectfully submits that the New et al. reference neither teaches nor suggests the presently claimed methods, and withdrawal of this rejection is respectfully requested.

Summary

Applicant respectfully submits that the presently pending claims are in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicant's representative at the telephone number listed below, if the Examiner believes that doing so will advance prosecution.

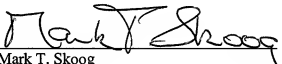
Please charge any additional fees or credit any overpayment to Merchant & Gould P.C.,
Deposit Account No. 13-2725.

Respectfully submitted,

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20 Apr '09


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